HONOURABLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.27529 of 1998

DATE: 27-01-2006

Between:

V.D.L. Syam Prasad, S/o. V.S. Suryanarayana Murthy,

aged about 49 years, R/o. Hanuman junction,

Krishna District.

.. Petitioner

AND

Labour Court, Guntur & another

.. Respondents

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WRIT PETITION No.27529 OF 1998

ORDER:

This writ petition has been filed by the petitioner to quash the award of Labour Court, Guntur-1st respondent dated 20-08-1998 made in I.D. No.142 of 1993 and consequently direct the Depot Manager, A.P.S.R.T.C., Avanigadda Depot, Krishna District-2nd respondent to reinstate the petitioner into service as Conductor with all consequential benefits including arrears of pay.

The case of the petitioner is that he was employed as Cleaner in A.P.

State Road Transport Corporation (for short 'Corporation') in 1975 and was promoted as Conductor in 1980. The petitioner states that while he was working in Avanigadda Depot, the 2nd respondent had issued a charge sheet on 05-08-1991 alleging that on 31-07-1991 while he was on duty on route Avanigadda-Sorlagondi, he failed to issue tickets to four passengers who have boarded the bus after stage No.4, and he submitted his explanation to the said charge sheet on 09-11-1991 denying the charges explaining that there was no time for him to issue tickets to the said passengers as they have boarded the bus after crossing stage No.4. A domestic enquiry was conducted and the enquiry officer submitted a report stating that the charges levelled against the petitioner are proved. Thereafter, the

2nd respondent issued notice dated 15-10-1991 purporting to impose punishment of removal from service on the petitioner to which he submitted his explanation, and finally the

2nd respondent vide order dated 12-11-1991 removed him from service. The petitioner filed I.D. No.142 of 1993 before the 1st respondent-Labour Court. The Labour Court by the impugned order, upheld the order of removal imposed against the petitioner. It is this order of the Labour Court, which is assailed in this writ petition contending that the same is vitiated by error apparent on the face of the record.

Heard the learned counsel for the parties and perused the award of the Labour Court.

Learned counsel for the petitioner contends that the petitioner through out his 20 years of service worked without any remark, and the misconduct alleged against the petitioner is not of misappropriation, but non-issuance of tickets. The amount involved in the offence is very meager. The charges levelled against him are not sufficiently proved, and as such, the punishment of removal imposed against the petitioner is shockingly disproportionate. He submitted that the impugned order is against the principles of natural justice and not at all justifiable, and as such, prayed that the award be set aside and the Corporation be directed to reinstate the petitioner into service.

Learned Standing Counsel for the Corporation supported the impugned award stating that there is no infirmity or illegality warranting interference of this Court.

A perusal of the material record shows that the petitioner was appointed as Cleaner in 1975 and was promoted as Conductor in 1980. The main charge levelled against the petitioner is that of having collected fare from a batch of

three passengers and another passenger, who boarded the bus at Dindi bridge, did not issue tickets to them. The Corporation held an enquiry and the enquiry officer found that the charges against the petitioner are proved and basing on the report of the enquiry officer the Corporation terminated his services. Subsequently, the Labour Court after an elaborate consideration of the matter and upon appreciating the oral and documentary evidence made available by the parties, and considering the preliminary enquiry report of the Corporation observed that the charges levelled against the petitioner are grave in nature causing loss to the Corporation and the petitioner having collected fare from the batch of three passengers did not issue tickets and closed the S.R. without issuing ticket to another passenger, as such, the irregularity committed by him is a serious one and accordingly rejected his claim holding that termination of his service is legal, hence he is not entitled to any relief. The charge levelled against the petitioner is one of collecting fare and not issuing tickets to the passengers. This charge levelled against the petitioner stood proved. Once the offence is proved which is a serious irregularity causing pecuniary loss to the Corporation, the petitioner does not deserve any sympathy notwithstanding the amount involved – whether paltry or substantial, and the petitioner deserves punishment. In **U.P.S.R.T.C. v. Mahendra Nath Tiwari,** the Apex Court held that *even if it be only one passenger to whom the bus conductor has not issued ticket, it amounts to clear violation of duty imposed on him and a grave charge against him who is really in position of trust as far as employer is concerned and it constitutes a grave charge sufficient to dismiss him from service and the extent of pecuniary loss caused to his employer is not the relevant criteria*.

In the above view of the matter, I am not inclined to accept the contentions urged by the learned counsel for the petitioner in support of the writ petition that the punishment of removal imposed is disproportionate to the misconduct alleged.

The Writ Petition is devoid of merits, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J

Date:27-01-2006.

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